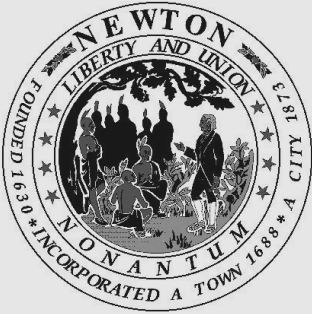

CITY OF NEWTON, MASSACHUSETTS

ZONING REFORM GROUP

PUBLIC WORKSHOP NOTES

DATE: July 27, 2011



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Overview

On Wednesday evening, July 27th, the Zoning Reform Group (ZRG) held a public workshop to hear ideas for improving Newton's Zoning Ordinance. The workshop focused on the principles and goals of the zoning ordinance and specific opportunities for improvement in residential, commercial, institutional, open space, and public use zoning.

Attendees included:

- Nine aldermen (Alds. Baker, Crossley, Danberg, Fuller, Hess-Mahan, Lennon, Shapiro, Swiston, and Yates)
- Roughly 20 members of the public, including housing advocates, architects, open space advocates, and others generally interested in zoning reform; and
- The full membership of the ZRG.

The meeting began with a brief presentation describing the charge and work-to-date of the ZRG, a short history of zoning in Newton, and an overview of the various tools that might be used to reform the zoning code (including types of zoning and levels of reform). The presentation then provided an overview of some of the ZRG's key findings to-date. These included a draft set of principles for what zoning should accomplish as well as summaries of the ideas generated by the three ZRG subcommittees on residential, commercial, and open space, institutional, and public use zoning. (Please see Attachment 1, the handout from the presentation, for more details.)

The meeting then broke into discussion groups. Attendees were invited to sit at tables to discuss residential, commercial, or institutional/open space/public use zoning. The discussion groups met for roughly 20 minutes and then participants were invited to switch groups, if they wished, for another 20-minute session. After that, each group reported to the whole (summaries are found below). Finally, the notes from each discussion group were set out and participants could "vote" (using red dot stickers) for the four ideas that most resonated with them (please see Attachment 2 for a summary of the "red dot" voting).



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Summary of Discussions by Table

Commercial – The commercial table’s discussions were well attended by participants ranging from aldermen, to business owners, architects, and homeowners. The conversation ranged over many topics. Some of the major themes of the comments included:

- A desire to encourage vitality in village centers by changing zoning to allow more density, incentives for upper-floor residential, and encouraging active ground floor uses, while integrating village centers better into their surrounding neighborhoods through transitional uses like two family dwellings, etc. A similar point was made that zoning should be more specific to different village centers to support character.
- The need to clarify and improve the organization of the ordinance to improve usability.
- The need to protect property rights without hurting neighbors.
- A feeling that the current legislative process by which the Board of Aldermen revises and updates the zoning ordinance is too slow and cumbersome to address all the needed zoning reforms.
- A desire to revise the approval and review process to streamline the process in proportion to the scale of each project. In particular, giving some current minor special permits to either staff review or the ZBA or Planning Board was suggested.
- The need to improve the fiscal health of the city through economic development, particularly of large sites in commercial areas on the edges of Newton.

Residential – Over fifteen participants joined the residential table’s discussions. Participants represented and brought forward a wide range of diverse backgrounds and interests and concerns. Some of the comments and goals suggested included:

- Increase affordable housing opportunities beyond meeting the 10% goal defined by the state 40B law
- Increase by right opportunities for multiple, small housing units near services and infrastructure (some village centers and within and abutting commercial areas), recognizing that there is need for housing affordable to different demographic
- Provide housing opportunity for young adults starting out and older folks wishing to downsize, and therefore to allow for more by right accessory apartments, three family and single residence occupancy SRO units by right in some zones (“naturally affordable”),
- Take care that rules protect existing and various neighborhood characters, especially in one and two family residence areas and protect existing housing stock, as well as structures of historic value
- Allow for an intensity of use that can achieve densities desired and needed to help support infrastructure and services in certain areas (village center and commercial



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corridors),

- Make high intensity use areas much more pedestrian friendly/ accessible

There was significant interest and desire to think more about the concept of “soft transitions” defining a subset of uses at edges between – or transitions from more to less intensive uses, possibly by retaining certain residential forms but allowing greater intensity of use in such ‘buffer zones’. There was also general agreement that ordinances need to be restructured for ease of use, including indexing, cross references to other ordinances, clarity of terms and illustrations, etc.

Institutional, Open Space, and Public Use – Because this group covered multiple kinds of zoning, the conversation ranged over several topics:

- The open space discussion covered the need for more open space, support for incentivizing its provision in zoning, creative ideas for locating new open space on roofs or other structures (with reference to New York City’s High Line), and specific recommendations for open space useful to multiple generations in the heart of Newton Centre. Participants raised concerns about the City’s golf courses – their environmental impacts, zoning and development potential should they cease to operate as golf courses, and whether they pay taxes to the City.
- The institutional zoning discussion focused at first on large institutions like the City’s colleges. Participants supported the idea raised by the ZRG subcommittee for a process that would yield more information on institutions’ plans and that would encourage more citizen input. One participant called for a more user-friendly, less adversarial process with incentives and standards to help engage the community, and specifically engagement through smaller groups; another argued that institutions should be made to feel more a part of the community and that institutions might talk collectively about their roles and their interface with the City’s goals. One participant submitted the idea that rather than the current ad hoc review with ISD commissioner that many institutions undergo, there could be an agreement that the City could review certain elements not normally reviewed (like traffic or building design) in exchange for some incentive, such as more density or height. Finally, though the bulk of the conversation focused on large institutions, one participant reminded the group that some uses that are “Dover-protected” (educational, religious, and nonprofit uses protected from undo regulation by state law) may also be subject to unintended consequences from current zoning – for example, shelters for victims of domestic violence having to undergo public review that exposes their location.
- The conversation on master planning for institutions and open space led to broader discussion of mixed-use developments, particularly the process surrounding their approval. The group discussed how to encourage wide involvement from the city, not just from abutters, and an appreciation of the greater good.



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Attachment 1: Public Workshop Presentation

The Zoning Reform Group

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**PUBLIC WORKSHOP
ON
ZONING REFORM IN NEWTON**

WEDNESDAY JULY 27, 2011

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**ZRG PUBLIC
WORKSHOP**

Overview

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Overview of Public Workshop

- Welcome!
- Agenda
 - Presentation 7:00-7:30
 - Breakout Sessions and red-dot voting 7:30-8:30
 - Discussion and Next Steps 8:30-9:00
- Purpose
 - Solicit public input on the principles and goals that Newton values in a Zoning Ordinance
 - Discuss areas of the Zoning Ordinance which in need of improvement



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What is the Zoning Reform Group?

- Created by the Board of Aldermen, Spring 2011
- Scope:
 - To help create a process for zoning reform
 - To identify areas for improvement: (structure, regulations, process)
- Five meetings held since March
- Subcommittees formed for specific topics:
 - Residential Areas
 - Commercial Areas
 - Institutional, Public Use, & Open Space
- Meeting notes and resources are available online:
<http://www.newtonma.gov/Planning/zoning-reform-group.htm>

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Zoning In Newton

- Initial purpose of the Zoning Ordinance in 1922
 - Promote health, safety, convenience, and welfare to the inhabitants
 - Lessen danger from fire
 - Improve the city
- Major Revisions in 1940, 1953, and 1987
 - Response to new development
 - New rules were more restrictive and specific
- 2007 Comprehensive Plan
- Recent changes:
 - Revisions to FAR for residences
 - Revisions to accessory apartments
 - Inclusionary housing
 - Grade changes and retaining walls
 - Green building special permit requirement
 - Planned Multi-Use Business Developments (PMBD)
 - Height and grade plane redefinitions



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The changing objectives for Zoning

- What we expect zoning to accomplish has changed
- Current purposes; from State statute, Chapter 40A
 - a) Encourage the most appropriate use of land, including consideration of the Comprehensive Plan
 - b) Prevent overcrowding of land/undue concentration of population
 - c) Conserve the value of land and buildings, natural resources
 - d) Encourage efficient use and conservation of natural resources/energy
 - e) Lessen traffic congestion
 - f) Assist in adequate provision of infrastructure and public facilities
 - g) Preserve and increase amenities and aesthetics of the city
 - h) Encourage housing for people of all income levels
 - i) Reduce hazards from fire and other dangers
 - j) Provide for adequate light and air

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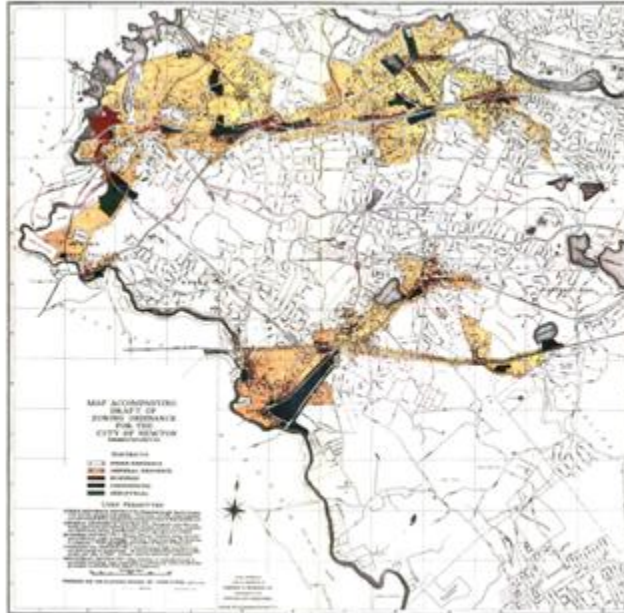
Regulatory Process

- Zoning Ordinance has three approval processes
 - By Right
 - × No permission required, administered by ISD staff
 - Administrative Site Plan Review
 - × Specific criteria must be met, reviewed by Planning Department and the Commissioner of ISD for approval
 - × Used mainly for wireless installation and institutional uses
 - Special Permit
 - × Lengthy process involving Planning Department Zoning Review and Public Hearing with the Board of Aldermen
 - × Many different kinds of special permits with varying criteria
- The Board of Aldermen may change the Zoning Ordinance through legislation



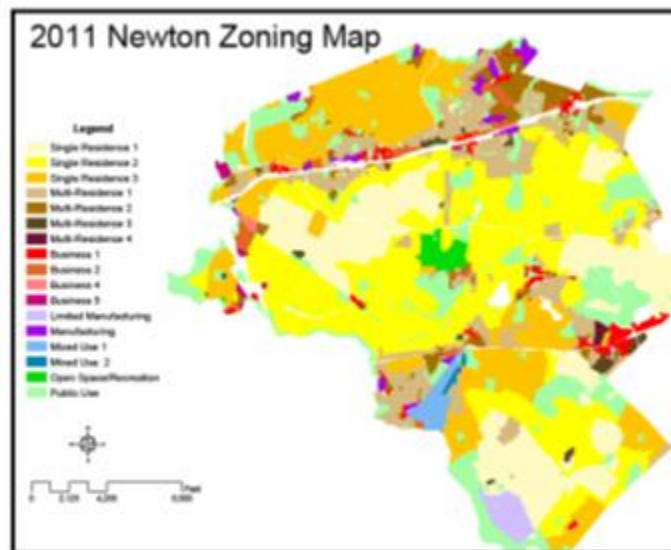
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Draft 1921
Zoning Map



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2011 Newton Zoning Map



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Zoning Reform Toolkit

- Levels of Zoning Reform:
 - Audit for problem areas
 - Specific targeted changes
 - Reorganization without changing outcomes
 - Comprehensive re-write
- Types of Zoning:
 - Use-Based Zoning
 - Negotiated Zoning
 - Performance Zoning
 - Form-Based Zoning (and the New Urbanists)
 - Incentive Zoning
 - Hybrid Zoning Ordinances
- Regulatory Process
 - Clarity and predictability
 - Permissive or restrictive

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Principles

- “The Zoning Ordinance should...”
 - Be easy to use, administer, and enforce
 - Be well organized, indexed, and cross referenced
 - Use clear and modern language
 - Be internally consistent
 - Produce predictable, desired results
 - Balance flexibility and predictability
 - Facilitate the implementation of the *Comprehensive Plan*



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Subcommittee Recommendations

- **Subcommittees**
 - Residential
 - Commercial
 - Institutional, Public Use, & Open Space
- **Purpose**
 - Identify goals in the Comprehensive Plan
 - Identify areas where zoning could be improved to better meet city goals
 - Consider general approaches to address these areas

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Commercial Subcommittee

- **Goals**
 - Encourage flexible, moderate growth
 - Preserve and restore the character, walkability, and residential vitality of our village centers
 - Allow mixed-use development
 - Increase City revenues and employment opportunities
- **Areas for Improvement**
 - Need a definition of mixed-use
 - Increase residential density near village centers
 - Zoning districts along mixed use corridors and in village centers do not match reality or need—consider overlays
 - Use site plan approval for minor special permits
 - Revise project review process to better balance neighbors and developers, including measurements of real impacts
 - Revise allowed uses to proactively incorporate existing and future uses (such as R&D)
 - Revise and update parking regulations
 - Revise inclusionary zoning to allow hotel uses



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Residential Subcommittee

- **Goals**
 - Create and maintain a more varied housing stock to serve a diverse socio-economic population
 - Meet the 10% affordable housing goal
 - Preserve existing neighborhood character
- **Areas for Improvement**
 - Develop a long-term strategic plan for housing
 - Allow increased residential density in some parts of the city
 - Allow multifamily housing by right in some zones
 - Create "soft transitions" around village centers
 - Create more mixed-use housing in village centers and near transit nodes
 - Offer incentives for the creation of mixed-use, affordable, or other desired housing types in business zones
 - Reduce parking requirements near public transportation
 - Encourage reuse of existing buildings
 - Revise inclusionary housing regulations
 - Streamline the permitting process

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Open Space, Public Uses, and Institutions Subcommittee

- **Goals**
 - Zoning should respond both to institutional needs and community interests
 - City regulations should be Dover amendment compliant
 - Protect and preserve existing open space resources and large remaining open spaces
- **Areas for Improvement**
 - Create an institutional master-plan process, similar to that used in Boston and Cambridge
 - Revise dimensional and parking regulations for institutions
 - Allow mixed-use projects in public use zones
 - Review cluster zoning and subdivision rules
 - Explore incentives for encouraging provision of open space
 - Create a more objective measure of "significant contribution to the... conservation of natural resources and energy."



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Breakout Sessions

- Three topic tables:
 - Residential
 - Commercial
 - Institutional, Public, and Open Space
- Ground Rules:
 - Two 20 minutes periods, with the option to move
 - ZRG Members will facilitate discussions
 - Comments should focus on **principles and goals** and on **areas for improvement**
- After the breakout period, each group will compile a list for “red-dot voting”

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Next Steps for the ZRG

- Your input
- Red-dot voting
- Consider process for zoning reform
 - Study how other communities have reformed their zoning
 - Learn more about what zoning consultants can do
 - Locate funding and resources to support reform
- Second fall public workshop to discuss “process”
- Determine products for the fall
 - Set of principles, specific goals
 - List of recommendations
 - Process for reform (including schedule)
 - RFP/RFQ for consultants
- Recommend scope and process for reform



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Attachment 2: Red-dot Voting

Summary Data:

Process (Legislative and Judicial/Review)

- Aldermanic legislative process does not work well. ●●●●●●●●●●●●●● (12)
- Have Board of Appeals of Planning Board act on minor special permits. ●●●●●●●● (7)
- Match level of zoning review process to the impacts of specific projects – increase use of admin review ●
- Developers need to sell projects better to overcome NIMBY's. ●

Structure

- Simplify, clarify ordinance ●●●●

Village Centers

- Allow different types of naturally affordable housing (In law apartments, SRIOs, 3-family) ●●●●●●●●●● (9)
- Increase allowed density in certain commercial areas ●●●●●●●● (7)
- Encourage more vitality in village centers with incentives for residential uses
●●●●●●
- Revise the PMBD to allow more mixed-use development ●●●
- Consider carefully a mix of allowed uses in zones surrounding village centers and commercial corridors ●●●
- Re conceive map, re contextual rules, zero based zoning and rules ●●●
- Support soft transitions around village centers ●●
- Revise parking for village centers – payment in lie ●●
- Identify density that works to support sufficient services and infrastructure ●●
- Encourage fiscal health through commercial development ●
- Revise Zoning to allow hotels ●

Residential Neighborhoods

- Allow different types of naturally affordable housing (In law apartments, SRIOs, 3-family) ●●●●●●●●●● (9)
- Respect varied character of different parts of city ●●●●●●
- Consider carefully a mix of allowed uses in zones surrounding village centers and commercial corridors ●●●



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- Re conceive map, re contextual rules, zero based zoning and rules ●●●
- Identify density that works to support sufficient services and infrastructure ●●
- Further explore edges, boundaries, soft-transitions. ●●

Open Space

- Consider incentives for open space ●
- Consider quality type, multi-generational ●●

Institutions

- More citizen input and info sharing
- Consider review of elements not currently reviewed, (e.g. traffic) in exchange for some protections ●
- Help make institutions feel they are part of the community ●
- More amiable, collaborative, and use-friendly review process ●●
- Incentives to help engage community, across the City ●●

Non-Profits

- Consider zoning and nonprofits, unintended consequences: shelters, special needs housing

Raw Data:

Commercial Subcommittee

- Revise Zoning to allow hotels ●
- Encourage more vitality in village centers with incentives for residential uses
●●●●●
- Match level of zoning review process to the impacts of specific projects – increase use of admin review ●
- Aldermanic legislative process does not work well. ●●●●●●●●●●●●●●●●
- Developers need to sell projects better to overcome NIMBY's. ●
- Revise the PMBD to allow more mixed-use development ●●●
- More flexibility to tailor to village centers in zones.
- Support soft transitions around village centers ●●
- Revise parking for village centers – payment in lie ●●



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- Protect property rights but don't hurt neighbors
- Simplify, clarify ordinance ●●●●
- Support active uses in village centers
- Encourage fiscal health through commercial development ●
- Balance neighborhood power with development
- Have Board of Appeals of Planning Board act on minor special permits. ●●●●●●●●

Residential Subcommittee

- Increase allowed density in certain commercial areas ●●●●●●●●
- Respect varied character of different parts of city ●●●●●●
- Allow different types of naturally affordable housing (In law apartments, SRIOs, 3-family) ●●●●●●●●●●
- Identify density that works to support sufficient services and infrastructure ●●
- Understand distinction between density v. intensity of use
- Consider carefully a mix of allowed uses in zones surrounding village centers and commercial corridors ●●●●
- Re conceive map, re contextual rules, zero based zoning and rules ●●●●
- Further explore edges, boundaries, soft-transitions. ●●

Open Space, Institutional, and Public Uses Subcommittee

Open Space

- Consider incentives for open space ●
- Consider quality type, multi-generational ●●
- Potential re-use of golf courses as mixed use, vibrant developments

Institutions

- More citizen input and info sharing
- Consider review of elements not currently reviewed, (e.g. traffic) in exchange for some protections ●
- Help make institutions feel they are part of the community ●
- More amiable, collaborative, and use-friendly review process ●●
- Incentives to help engage community, across the City ●●

Non-Profits

- Consider zoning and nonprofits, unintended consequences: shelters, special needs housing